

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: 19-46206-ess

Rony Barua
fka Himon Barua,

Chapter 13

Judge: Elizabeth S. Stong

Debtor.

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OBJECTION TO CONFIRMATION OF PLAN

**TO: THE HONORABLE ELIZABETH S. STONG
UNITED STATES BANKRUPTCY JUDGE**

PLEASE TAKE NOTICE that Selene Finance, LP as servicer for Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Trustee, of Aero Mortgage Loan Trust 2017-1 (“Secured Creditor”), the holder of a mortgage on real property of the debtor(s), by and through its undersigned attorneys hereby objects to the confirmation of the Chapter 13 Plan on grounds including:

1. Secured Creditor is the holder of a Note and Mortgage dated July 25, 2006 in the original principal amount of \$312,000.00 with respect to debtor’s property located at 295 Wurz Street, Brentwood, NY 11717.
2. Debtor’s plan fails to provide for the treatment of the claim of Secured Creditor. The objecting creditor is due arrears of \$321,950.49 which was fully set forth in a Proof of Claim filed on December 13, 2019 under claim 1-1. As the plan fails to provide for the outstanding arrears Secured Creditor hereby objects to confirmation.
3. Debtor’s proposed plan fails to list Secured Creditor in Part 3.1 for post-petition payments.
4. Debtor’s proposed plan is not feasible as it lists the total amount to be paid to the Trustee as only \$3,240.00.

5. Debtor(s) proposed plan fails to comply with the requirements of the Bankruptcy Code and is not proposed in good faith.
6. Debtor's proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

Dated: January 2, 2020
Garden City, New York

Respectfully submitted,

By: /s/ Richard Postiglione
Richard Postiglione, Esq
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CERTIFICATE OF SERVICE

Debtor.

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I, Richard Postiglione, an attorney duly admitted to practice law before the District Courts of the State of New York, respectfully certify that I am not a party to this action, am over 18 years of age and reside in the State of New York. On January 2, 2020, I served the foregoing Objection to Confirmation by mailing the same in a sealed envelope, with postage paid thereon, in an official depository of the United States Post Office within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Rony Barua

89-19 221th Street, 1st Floor
Queens Village, NY 11427

Ehsanul Habib

Law Office of Ehsanul Habib
118-21 Queens Blvd, Suite 603
Forest Hills, NY 11375

Marianne DeRosa

Office of the Chapter 13 Trustee
100 Jericho Quadrangle, Suite 127
Jericho, NY 11753

United States Trustee

Office of the United States Trustee
Eastern District of NY
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014

/s/Richard Postiglione
RICHARD POSTIGLIONE, ESQ.